

## ***FISH & WILDLIFE COMMISSION - AGENDA ITEM COVER SHEET***

**Meeting Date:** March 13, 2014

**Agenda Item:** Powerhouse FAS – Parcel Conveyance to MDT (R3)

**Division:** Fisheries      **Action Needed:** Final

**Time for Presentation:** 5 Minutes

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### **Background**

The 35-acre Powerhouse Fishing Access Site is located along the Big Hole River about two miles west of Divide in Silver Bow County. The Montana Department of Transportation (MDT) is reconstructing the bridge connecting Pumphouse Road on the east side of the Big Hole River to Highway 43 on the west, and has requested that FWP convey ownership of a 0.3-acre parcel of the fishing access site to MDT for use as right of way for the bridge approach. This parcel constitutes less than 1% of the fishing access site, and is seldom used by the public. Even under MDT ownership, the land will remain unfenced and available for recreationists who choose to access the river down this steep slope. The popular boat ramp on the north side of Powerhouse Road will not be affected by the conveyance of this small parcel to MDT.

### **Proposed Action**

FWP proposes to comply with MDT's request to convey 0.3 acres of right of way for the bridge reconstruction project at the Powerhouse FAS. MDT will pay the land's fair market value of \$3,000, and these funds will be deposited in FWP's real property trust account, a permanent account that generates funds for FWP land management activities.

### **Public Involvement Process & Results**

On February 11, 2014, FWP released an environmental assessment describing the proposed land conveyance to MDT and requesting public comment. One comment has been received in support of the proposal, and none in opposition. The public comment period closes on March 3. Absent any public concerns, FWP will issue a Decision Notice in support of the conveyance.

### **Alternatives and Analysis**

FWP considered two alternatives: (1) to reject the MDT request, and (2) to grant an easement, rather than conveying the land in fee. FWP does not propose to reject MDT's request, as the land represents an insignificant portion of the fishing access site and, even after conveyance, it will still be available for public use. Moreover, the land is important to the bridge reconstruction project. FWP considered granting a right-of-way easement, instead of fee ownership. However, MDT prefers to secure ownership of right-of-way parcels, and FWP sees no benefit from owning land largely dedicated to highway uses.

### **Agency Recommendation**

FWP recommends that the Commission approve the conveyance of this small parcel to MDT, as needed for the Pumphouse Road – Big Hole River bridge reconstruction project.

### **Proposed Motion**

I move that the Commission approve FWP's conveyance of a 0.3-acre parcel at the Powerhouse Fishing Access Site to the Montana Department of Transportation, in return for MDT's payment of the parcel's fair market value.